IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

J & J SPORTS PRODUCTIONS, INC.	:	
Plaintiff,	:	
v.	:	
TCOS ENTERPRISES, INC.,	:	
d/b/a FLAT ROCK SALOON	:	
Defendant/Third-Party Plaintiff,	:	CIVIL ACTION
v.	:	No. 10-7130
COMCAST CORPORATION	:	JURY DEMANDED
Third-Party Defendant.	:	

ANSWER WITH AFFIRMATIVE DEFENSES OF THIRD-PARTY DEFENDANT, COMCAST OF PHILADELPHIA, LLC

Third-party defendant, Comcast of Philadelphia, LLC ("Comcast" or "Third-Party Defendant"), incorrectly identified as Comcast Corporation, by and through its counsel, Tucker Law Group, LLC, hereby files this Answer with Affirmative Defenses to the Third-Party Complaint of Defendant and Third-Party Plaintiff, TCOS Enterprises, Inc. , an unknown business entity d/b/a Flat Rock Saloon ("Flat Rock" or "Defendant/Third-Party Plaintiff"), as follows:

1. Admitted.
2. Denied as stated. The correct legal entity is Comcast of Philadelphia, LLC.
3. Denied. Comcast is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 3 and, accordingly, the averments in paragraph 3 are denied.
4. Denied as stated. It is admitted only that Flat Rock maintains a commercial account with Comcast. Comcast is without knowledge or information sufficient to

form a belief as to the truth of the remaining averments contained in paragraph 4, including the reason for any purchase made by Flat Rock, and, accordingly, the remaining averments in paragraph 4 are denied.

5. Denied. The averments of paragraph 5 contain conclusions of law to which no response is required. To the extent paragraph 5 contains any factual averments, they are specifically denied. Furthermore, Comcast is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 5 and, accordingly, the remaining averments in paragraph 5 are denied.
6. Denied. The averments of paragraph 6 contain conclusions of law to which no response is required. To the extent paragraph 6 contains any factual averments, they are specifically denied. Furthermore, Comcast is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 6 and, accordingly, the remaining averments in paragraph 6 are denied.
7. Denied. The averments of paragraph 7 contain conclusions of law to which no response is required. To the extent paragraph 7 contains any factual averments, they are specifically denied. Furthermore, Comcast is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 7 and, accordingly, the remaining averments in paragraph 7 are denied.
8. Denied. The averments of paragraph 8 contain conclusions of law to which no response is required.

WHEREFORE, it is specifically denied that Comcast is solely liable to Plaintiff, jointly or severally liable with Flat Rock or liable over to Flat Rock by way of contribution or indemnity, inclusive of fees and costs, for any award of damages to Plaintiff.

Defendant, Comcast of Philadelphia, LLC, respectfully requests that this Honorable Court enter judgment in its favor and award all costs and attorneys' fees permitted by law.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The allegations of Third-Party Plaintiff's Complaint fail to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Any harm, damages or losses sustained by Third-Party Plaintiff, if any, were not the result of any action or inaction of Comcast.

THIRD AFFIRMATIVE DEFENSE

If an incident occurred as alleged by Third-Party Plaintiff, the truth of which is specifically denied, and if Third-Party Plaintiff sustained any damages as a result thereof, the existence of which is specifically denied, said damages were the direct, proximate and sole result of the negligence, carelessness and/or recklessness of other parties, entities, or individuals, over whom and/or which Comcast had no control, and for whom and/or which Comcast is not responsible.

FOURTH AFFIRMATIVE DEFENSE

Third-Party Plaintiff has suffered no damages or injuries.

FIFTH AFFIRMATIVE DEFENSE

Any acts or inactions of Comcast were not a substantial factor in causing the harm, if any, to Third-Party Plaintiff.

SIXTH AFFIRMATIVE DEFENSE

Third-Party Plaintiff's claims are barred, in whole or in part, by the applicable statute(s) of limitations.

SEVENTH AFFIRMATIVE DEFENSE

Any damages sustained by Third-Party Plaintiff were *de minimus*.

EIGHTH AFFIRMATIVE DEFENSE

Third-Party Plaintiff's claims are barred, in whole or in part, by the equitable doctrines of waiver, laches, estoppel, and unclean hands.

NINTH AFFIRMATIVE DEFENSE

Third-Party Plaintiff's claims, as set forth and pleaded in the Third-Party Complaint, are barred, in whole or in part, by the Doctrines of Assumption of Risk and Contributory and/or Comparative Negligence.

TENTH AFFIRMATIVE DEFENSE

It is averred that if Third-Party Plaintiff suffered any damages as alleged, they were caused solely and primarily by Third-Party Plaintiff's own carelessness, recklessness and negligence.

ELEVENTH AFFIRMATIVE DEFENSE

Third-Party Plaintiff's claims are barred, in whole or in part, by Third-Party Plaintiff's own negligent conduct.

TWELFTH AFFIRMATIVE DEFENSE

Third-Party Plaintiff has failed to establish that it has suffered any damages as a direct or proximate result of any actions or omissions by Comcast or any of its agents, servants, workmen or employees and, thus, has failed to state a claim upon which relief may be granted.

Respectfully submitted,

TUCKER LAW GROUP, LLC

Dated: November 11, 2011 BY: /s/ MLC7816

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CERTIFICATE OF SERVICE

I, Michon L. Crawford, Esquire certify that on this date the Answer with Affirmative Defenses of Third-Party Defendant, Comcast of Philadelphia, LLC, was filed electronically and is available for viewing and downloading from the ECF system by the following:

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BY: /s/ MLC7816
Michon L. Crawford, Esquire

Date: November 11, 2011